

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,  
Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM  
Section 7: Rito de Tierra Amarilla,  
Rio Brazos, Rutheron & Plaza Blanca,  
Cañones Creek, Village of Chama

**PROOF OF PUBLICATION  
OF NOTICE OF PENDENCY OF SUIT**

COMES NOW plaintiff State of New Mexico, *ex rel.* State Engineer, and hereby files proof of publication of the Notice of Pendency of Suit issued by the Clerk of this Court on September 25, 2007, for purpose of service by publication on the following persons, if living, if deceased, their unknown heirs:

Martin Romero CHTA-004-0001D

David Maestas CHRB-006-0027

Roberto Martinez CHRB-004-0042

Luis Lopez CHCV-002-0039D

Attached as Exhibit 1 is the Affidavit of Publication signed by Robert Trapp, publisher of the Rio Grande Sun.

DATED: October 31, 2007

Respectfully submitted,

/s/ Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General  
Office of State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 867-7444

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 31th day of October, 2007 I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Ed Newville  
EDWARD G. NEWVILLE

IN THE UNITED STATES  
DISTRICT COURT  
FOR THE DISTRICT OF  
NEW MEXICO STATE OF  
NEW MEXICO, EX REL.  
STATE ENGINEER  
PLAINTIFF, 89CV07941-BB  
VS. RIO CHAMA STREAM  
SYSTEM SECTION 7: RITO  
DE TIERRA AMARILLA,  
ROMAN ARAGON, ET AL.,  
RIO BRAZOS, RUTHERON &  
PLAZA BLANCA, CAZONES  
CREEK, VILLAGE OF  
CHAMA DEFENDANTS.  
NOTICE OF PENDENCY  
OF SUIT

The following named persons,  
if living, if deceased, their  
unknown heirs:

Martin Romero  
CHTA-004-0001D  
David Maestas  
CHRB-006-0027  
Roberto Martinez  
CHRB-004-0042  
Luis Lopez  
CHCV-002-0039D  
GREETINGS.

Please take notice that there  
is pending in the United  
States District Court for the  
District of New Mexico an ac-  
tion against you, the general  
purpose of which is to adjudi-  
cate all claims to rights to use  
the waters of the Rito de Tier-  
ra Amarilla, Rio Brazos, Ruth-  
eron & Plaza Blanca,  
CaZones Creek, and Village of  
Chama subsections of the  
Rio Chama Stream System  
(Section 7).

Unless you appear and de-  
fend in this matter on or be-  
fore November 15, 2007, any  
right you may have to use the  
surface waters of the Rio  
Chama Stream System (Sec-  
tion 7) for irrigation purposes  
may be adjudicated by default  
judgement that conforms to  
the State Engineer's hydro-  
graphic surveys of the Rito  
de Tierra Amarilla, Rio Bra-  
zos, Rutheron & Plaza Blan-  
ca, CaZones Creek, and Vil-  
lage of Chama subsections of  
the Rio Chama Stream Sys-  
tem, as amended.

The waters that are the sub-  
ject of the action are located  
in Rio Arriba County, New  
Mexico.

The name and address of the  
plaintiff's attorney is:  
Edward G. Newville  
Special Assistant Attorney  
General

Office of the State Engineer at Rio Grande SUN

P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 867-7444

WITNESS the hand seal of  
the United States District  
Court for the District of New  
Mexico this 25th day of Sep-  
tember, 2007.

MATTHEW J. DYKMAN  
DISTRICT COURT CLERK  
By: /s/ Matthew J. Dykman  
(Published October 4, 11, 18,  
25, 2007)

By [Signature]

## er's Bill

e time at 58.10

times at 149.40

Affidavit 5.00

Subtotal 212.50

Tax 15.94

Total 228.44

## Affidavit of Publication

State of New Mexico

County of Rio Arriba

I, Robert Trapp, being first duly sworn,  
declare and say I am the publisher of the Rio  
Grande SUN, a weekly newspaper published in  
the English language and having a general circu-  
lation in the County of Rio Arriba, State of New  
Mexico, and being a newspaper duly qualified to  
publish legal notices and advertisements under  
the provisions of Chapter 167 of the Session  
Laws of 1937. The publication, a copy of which is  
hereto attached, was published in said paper  
once each week for

4 consecutive weeks and on the same day  
of each week in the regular issue of the paper  
during the time of publication and the notice was  
published in the newspaper proper, and not in any  
supplement. The first publication being on the

4<sup>th</sup> day of October, 2007

and the last publication on the 25<sup>th</sup> day of

October, 2007 payment for said  
advertisement has been duly made, or assessed  
as court costs. The undersigned has personal  
knowledge of the matters and things set forth in  
this affidavit.

[Signature: Robert Trapp]  
Publisher

Subscribed and sworn to before me this 25<sup>th</sup>  
day of OCT A.D. 2007

[Signature: Maria V. Lopez-Garcia]

Maria V. Lopez-Garcia/Notary Public  
My commission expires 13 July 2009